

E-Filed 2/18/11

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 | In re ORACLE CORPORATION DERIVATIVE
LITIGATION

Master File No. C-10-3392-RS

**STIPULATION AND
[PROPOSED] ORDER
EXTENDING TIME TO
RESPOND TO COMPLAINT**

STIPULATION

WHEREAS, the complaint in *Galaviz v. Berg, et al.*, No. C-10-3392 RS, was filed in this Court on August 2, 2010, against Jeffrey S. Berg, H. Raymond Bingham, Michael J. Boskin, Safra A. Catz, Lawrence J. Ellison, Hector Garcia-Molina, Jeffrey O. Henley, Donald L. Lucas, Charles E. Phillips, Jr., and Naomi O. Seligman (the “Individual Defendants”); and Nominal Defendant Oracle Corporation (“Oracle”) (collectively, the “Defendants”); and

WHEREAS, the complaint in *Prince v. Berg et al.*, No. C-10-4233 RS, was filed in the Superior Court for the State of California for San Mateo County on August 19, 2010, against the Defendants; and

WHEREAS, on September 20, 2010, Oracle removed *Prince v. Berg, et al.* to this Court; and

WHEREAS, on February 8, 2011, this Court ordered the two actions consolidated for all purposes; and

WHEREAS, the Court ordered Plaintiffs to file a Consolidated Complaint no later than February 10, 2011; and

WHEREAS, the Court ordered Defendants to respond to the Consolidated Complaint no later than February 25, 2011; and

WHEREAS, the briefing schedule Court's February 8, 2011 Order assumed no substantive amendments to the consolidated complaint; and

WHEREAS, the Court ordered the parties to meet and confer regarding the schedule if the Consolidated Complaint differed from the original complaints; and

WHEREAS Plaintiffs filed their Consolidated Complaint on February 10, 2011; and

WHEREAS, the Consolidated Complaint adds approximately 65 paragraphs, comprising approximately 22 pages, of allegations concerning matters not described in the original complaints:

WHEREAS, the parties have accordingly met and conferred pursuant to the Court's February 8, 2011 Order, and have agreed to an extension of the deadline for the filing of Defendants' response:

WHEREAS, the agreed-upon extension is not for the purpose of delay, promotes judicial efficiency, and will not cause prejudice to any party; and

WHEREAS, the Case Management Conference in this action is currently scheduled for June 2, 2011, the date the parties propose for the hearing on Defendants' motions;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED that Defendants have up through and including March 31, 2011, to respond to the Consolidated Complaint. Plaintiffs shall file and serve their opposition no later than April 28, 2011. Defendants shall file and serve their reply, if any, no later than May 19, 2011. The hearing on Defendants' motions, if any, will be held on June 2, 2011, or at another date convenient for the Court.

The parties note that, under this proposed schedule, both the hearing on Defendants' motions to dismiss and the case management conference are set for June 2, 2011. It may be more convenient for the Court to schedule the hearing on Defendants' motions to dismiss and the case management conference at the same time on June 2, 2011.

Dated: February 17, 2011

MORRISON & FOERSTER LLP

By: /s/ Philip T. Besirof
Philip T. Besirof

Attorneys for Nominal Defendant
ORACLE CORPORATION; and
Individual Defendants JEFFREY S.
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O. HENLEY, DONALD L. LUCAS,
CHARLES E. PHILLIPS, JR., and
NAOMI O. SELIGMAN

Dated: February 17, 2011

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Jordanna G. Thigpen
Jordanna G. Thigpen

Co-Lead Counsel for Plaintiffs

1 IT IS SO ORDERED.
2 Dated 2/18/11


Hon. Richard Seeborg
United States District Court

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